

THE EFFECTIVE DATE OF THIS ORDINANCE IS AUGUST 12, 2005

ORDINANCE NO. 05-20-381

RE: Nonacceptance of Certain Adequate Public Facilities Text Amendments

PREAMBLE AND LEGISLATIVE FINDINGS OF FACT

The Board of County Commissioners ("BOCC") adopted the Adequate Public Facilities Ordinance ("APFO") on October 15, 2001 by Ordinance No. 91-28-028, codified as Chapter 1-20 of the Frederick County Code.

The BOCC has begun the process of a comprehensive rewrite of the Frederick County Zoning Ordinance. *Frederick County Code 1979, Chapter 1-19*. On March 26, 2002 the Board of County Commissioners appointed a Citizens Zoning Review Committee (CZRC) to recommend revisions and the rewriting of the Zoning Ordinance.

The CZRC submitted its final report to the BOCC on August 18, 2003.

On September 11, 2003 staff presented a timeline for the BOCC to consider for the update of the Zoning Ordinance. The BOCC conducted a thorough review of the CZRC recommendations between October 2003 and September of 2004 to provide further guidance to staff prior to any rewrite.

The existing APFO contains an application process for text amendments.

Section 1-20-23 provides:

(A) The Board of County Commissioners may amend the provisions of this chapter if the Board determines that any such amendment will be in the best interest of the citizens of

the county and consistent with the general intent of this chapter. Proposals for an amendment may be initiated by any person, group, agency or organization, by resolution by the Board of County Commissioners, by motion of the Planning Commission or by any other agency of the county.

The Division of Planning and Zoning is then required to review any such application. *Section 1-20-20.*

These applications are then submitted to the Frederick County Planning Commission for review and recommendation and to the Board of County Commissioners for consideration and adoption.

During the process of the comprehensive zoning ordinance rewrite, the Board of County Commissioners desires staff, as well as the Frederick County Planning Commission and Board of County Commissioners, to devote as much time and effort as possible to the comprehensive rewrite process.

Time spent reviewing individual APFO amendments limits the time staff as well as the Planning Commission and Board of County Commissioners have to devote to the comprehensive rewrite process.

The Board of County Commissioners has considered and determined that ample adequate alternative avenues exist to address any needed APFO text amendments.

Under Section 1-20-23(A) of the APFO: "The Board of County Commissioners may amend the provisions of this chapter if the Board determines that any such amendment will be in the best interest of the citizens of the county and consistent with the general intent of this chapter."

Additionally, proposals for an APFO amendment may be initiated by the Board of County Commissioners, the Planning Commission or by any other agency of the County. *Section 1-20-23(A)*.

Any person desiring an APFO amendment has the opportunity to convince the Board of County Commissioners, the Planning Commission or County staff of the necessity of an APFO amendment.

A duly advertised public hearing regarding this ordinance was held on August 2, 2005.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, as follows:

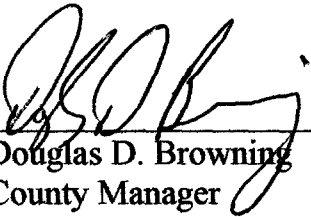
1. The Zoning Administrator shall not accept an application for an APFO text amendment from any non-governmental "person, group, agency or organization" under Frederick County Code Section 1-20-23(A) for ninety (90) days from the effective date of this Ordinance.

2. The Zoning Administrator shall continue to accept any APFO amendments initiated by the Board of County Commissioners, the Planning Commission or County staff pursuant to Frederick County Code Section 2-20-23(A).


The undersigned hereby certifies that this Ordinance was approved and adopted on the 2nd day of August, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager



John L. Thompson, Jr., President

MJC 8/3/05